

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	§	Chapter 11
	§	
API AMERICAS INC., et al.,	§	Case No. 20-10239 (CSS)
	§	
Debtors. ¹	§	Jointly Administered
	§	

**NOTICE OF AGENDA FOR HEARING SCHEDULED FOR
FEBRUARY 26, 2020 AT 2:00 P.M. (PREVAILING EASTERN TIME)
BEFORE THE HONORABLE CHRISTOPHER S. SONTCHI,
U.S. BANKRUPTCY COURT JUDGE^{2,3}**

CONTINUED MATTER:

1. Motion of the Debtors for Entry of Interim and Final Orders Authorizing Payment of Prepetition Claims of Certain Critical Vendors [D.I. 10; filed: 02/02/20]

Response Deadline: February 19, 2020 at 4:00 p.m.; extended to February 21, 2020 for the Official Committee of Unsecured Creditors (the “Committee”).

Responses Received: Informal comments from Office of the United States Trustee (the “UST”), the Committee and PNC Bank, N.A., as administrative agent (“PNC”).

Related Documents:

- A. Interim Order Authorizing Payment of Prepetition Claims of Certain Critical Vendors [D.I. 33; signed and docketed: 02/04/20]
- B. Certification of Counsel Regarding (A) Proposed Second Interim Order Authorizing Payment of Prepetition Claims of Certain Critical Vendors; and (B) No Objection To Same [D.I. 71; filed: 02/21/20]
- C. Second Interim Order Authorizing Payment of Prepetition Claims of Certain Critical Vendors [D.I. 79; signed and docketed: 02/21/20]

Status: This final hearing on this motion is continued to the omnibus hearing scheduled for March 25, 2020 at 2 pm.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, include: API (USA) Holdings Limited (3934) and API Americas Inc. (9126). The location of the Debtors’ service address is: 3841 Greenway Circle, Lawrence, Kansas 66046.

² The hearing will be held at the United States Bankruptcy Court for the District of Delaware, 824 Market Street, 5th Floor, Courtroom 6, Wilmington, Delaware 19801.

³ Parties who are unable to attend a hearing may request telephonic participation by contacting CourtCall toll free by phone (866-582-6878) or by facsimile (866-533-2946).

RESOLVED MATTERS:

2. Motion of Debtors for Interim and Final Orders (I) Authorizing Continued Use of Existing Cash Management System, Bank Accounts, and Business Forms and Payment of Related Prepetition Obligations, and (II) Waiving Certain Deposit Requirements [D.I. 6; filed: 02/02/20]

Response Deadline: February 19, 2020 at 4:00 p.m.

Responses Received: Informal comments from the UST, KeyBank National Association and the Committee.

Related Documents:

- A. Interim Order (I) (I) Authorizing Continued Use of Existing Cash Management System, Bank Accounts, and Business Forms and Payment of Related Prepetition Obligations, and (II) Waiving Certain Deposit Requirements [D.I. 30; signed and docketed: 02/04/20]
- B. Certification of Counsel Regarding (A) Revised Proposed Final Order (I) Authorizing Continued Use of Existing Cash Management System, Bank Accounts, and Business Forms and Payment of Related Prepetition Obligations, and (II) Waiving Certain Deposit Requirements; and (B) No Objection to Same [D.I. 69; filed: 02/21/20]
- C. Final Order (I) Authorizing Continued Use of Existing Cash Management System, Bank Accounts, and Business Forms and Payment of Related Prepetition Obligations, and (II) Waiving Certain Deposit Requirements [D.I. 77; signed and docketed: 02/21/20]

Status: On February 21, 2020, the Court entered an order approving this motion.

3. Motion of the Debtors for Entry of Interim and Final Orders Authorizing the Debtors to (I) Pay Prepetition Employee Wages, Salaries, Other Compensation, and Reimbursable Expenses and (II) Continue Employee Benefits Programs [D.I. 7; filed: 02/02/20]

Response Deadline: February 19, 2020 at 4:00 p.m.

Responses Received: Informal comments from the UST and the Committee.

Related Documents:

- A. Interim Order Authorizing the Debtors to (I) Pay Prepetition Employee Wages, Salaries, Other Compensation, and Reimbursable Expenses and (II) Continue Employee Benefits Programs [D.I. 32; signed and docketed: 02/04/20]
- B. Certification of Counsel Regarding (A) Revised Proposed Final Order Authorizing the Debtors to (I) Pay Prepetition Employee Wages, Salaries, Other

Compensation, and Reimbursable Expenses and (II) Continue Employee Benefits Programs; and (B) No Objection to Same [D.I. 68; filed: 02/21/20]

- C. Final Order Authorizing the Debtors to (I) Pay Prepetition Employee Wages, Salaries, Other Compensation, and Reimbursable Expenses and (II) Continue Employee Benefits Programs [D.I. 76; signed and docketed: 02/21/20]

Status: On February 21, 2020, the Court entered an order approving this motion.

- 4. Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing Debtors to Pay Certain Prepetition Claims of Lien Claimants, and (II) Granting Related Relief [D.I. 8; filed: 02/02/20]

Response Deadline: February 19, 2020 at 4:00 p.m.

Responses Received: Informal comments from the UST and the Committee.

Related Documents:

- A. Interim Order (I) Authorizing the Debtors to Pay Certain Prepetition Claims of Lien Claimants, and (II) Granting Related Relief [D.I. 29; signed and docketed: 02/04/20]
- B. Certification of Counsel Regarding (A) Revised Proposed Final Order (I) Authorizing the Debtors to Pay Certain Prepetition Claims of Lien Claimants, and (II) Granting Related Relief; and (B) No Objection to Same [D.I. 70; filed: 02/21/20]
- C. Final Order (I) Authorizing the Debtors to Pay Certain Prepetition Claims of Lien Claimants, and (II) Granting Related Relief [D.I. 78; signed and docketed: 02/21/20]

Status: On February 21, 2020, the Court entered an order approving this motion.

- 5. Motion of the Debtors for Entry of an Order (I) Extending the Time to File Schedules of Assets and Liabilities and Statements of Financial Affairs and (II) Granting Related Relief [D.I. 38; filed: 02/05/20]

Response Deadline: February 19, 2020 at 4:00 p.m.

Responses Received: None

Related Documents:

- A. Certification of No Objection [D.I. 64; filed: 02/20/20]
- B. Order (I) Extending the Time to File Schedules of Assets and Liabilities and Statements of Financial Affairs and (II) Granting Related Relief [D.I. 75; signed and docketed: 02/21/20]

Status: On February 21, 2020, the Court entered an order approving this motion.

6. Motion of the Debtors for Entry of an Order (I) Authorizing the Payment of Certain Prepetition Taxes and Fees, and (II) Granting Related Relief [D.I. 42; filed: 02/07/20]

Response Deadline: February 19, 2020 at 4:00 p.m.

Responses Received: None

Related Documents:

- A. Certification of No Objection [D.I. 63; filed: 02/20/20]
- B. Order Authorizing the Debtors to (I) Pay Certain Prepetition Taxes and Fees, and (II) Granting Related Relief [D.I. 74; signed and docketed: 02/21/20]

Status: On February 21, 2020, the Court entered an order approving this motion.

7. Debtors' Motion for Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals [D.I. 43; filed: 02/07/20]

Response Deadline: February 19, 2020 at 4:00 p.m.

Responses Received: Informal comments from the Office of the United States Trustee

Related Documents:

- A. Certification of Counsel Regarding (A) Revised Proposed Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals; and (B) No Objection to Same [D.I. 62; filed: 02/20/20]
- B. Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals [D.I. 73; signed and docketed: 02/21/20]

Status: On February 21, 2020, the Court entered an order approving this motion.

CERTIFICATION OF COUNSEL MATTER:

8. Motion of the Debtors for Entry of Interim and Final Orders (I) Approving the Debtors' Proposed Adequate Assurance of Payment for Future Utility Services, (II) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Services, (III) Approving the Debtors' Proposed Procedures for Resolving Adequate Assurance Requests, and (IV) Granting Related Relief [D.I. 9; filed: 02/02/20]

Response Deadline: February 19, 2020 at 4:00 p.m.

Responses Received:

- A. Informal comments from the Committee and PNC.

- B. Objection of Constellation NewEnergy – Gas Division, LLC [D.I. 57; filed: 02/18/20]
- C. Notice of Withdrawal of Objection of Constellation NewEnergy – Gas Division, LLC [D.I. 80; filed: 02/21/20]

Related Documents:

- A. Interim Order (I) Approving the Debtors’ Proposed Adequate Assurance of Payment for Future Utility Services, (II) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Services, (III) Approving the Debtors’ Proposed Procedures for Resolving Adequate Assurance Requests, and (IV) Granting Related Relief [D.I. 31; signed and docketed: 02/04/20]
- B. Certification of Counsel Regarding (A) Revised Proposed Final Order (I) Approving the Debtors’ Proposed Adequate Assurance of Payment for Future Utility Services, (II) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Services, (III) Approving the Debtors’ Proposed Procedures for Resolving Adequate Assurance Requests, and (IV) Granting Related Relief; and (B) No Objection to Same [D.I. 83; filed: 02/24/20]

Status: On February 24, 2020, the Debtors filed a certificate of counsel on this matter. Accordingly, no hearing is necessary unless the Court has questions or concerns.

MATTER GOING FORWARD:

- 9. Motion of the Debtors for Interim and Final Agreed Orders (I) Authorizing the Use of Cash Collateral; (II) Granting Adequate Protection; (III) Modifying Automatic Stay; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief [D.I. 11; filed: 02/02/20]

Response Deadline: February 19, 2020 at 4:00 p.m.; extended to March 12, 2020 for the Committee.

Responses Received: Informal comments from PNC and the Committee.

Related Documents:

- A. Interim Agreed Order (I) Authorizing the Use of Cash Collateral; (II) Granting Adequate Protection; (III) Modifying Automatic Stay; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief [D.I. 34; signed and docketed: 02/04/20]
- B. Notice of Filing of Proposed Final Cash Collateral Order [D.I. 58; filed: 02/18/20]

Status: A final hearing on this motion is continued to the omnibus hearing scheduled for March 25, 2020 at 2 pm. In the interim, the Debtors are working with the

Committee, PNC and the UST on an agreed second interim cash collateral order.
This matter is going forward as to the second interim cash collateral order only.

Dated: February 24, 2020
Wilmington, Delaware

SAUL EWING ARNSTEIN & LEHR LLP

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Proposed Counsel to the Debtors